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| Response Form to the Consultation Paper  |
| Technical standards on reporting, data quality, data access and registration of Trade Repositories under EMIR REFIT |

**Responding to this paper**

ESMA invites comments on all matters in this paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

* respond to the question stated;
* indicate the specific question to which the comment relates;
* contain a clear rationale; and
* describe any alternatives ESMA should consider.

ESMA will consider all comments received by **19 June 2020.**

All contributions should be submitted online at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading ‘Your input - Consultations’.

**Instructions**

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

1. Insert your responses to the questions in the Consultation Paper in the present response form.
2. Please do not remove tags of the type <ESMA\_QUESTION\_CP\_TSTR\_1>. Your response to each question has to be framed by the two tags corresponding to the question.
3. If you do not wish to respond to a given question, please do not delete it but simply leave the text “TYPE YOUR TEXT HERE” between the tags.
4. When you have drafted your response, name your response form according to the following convention: ESMA\_TSTR\_nameofrespondent\_RESPONSEFORM. For example, for a respondent named ABCD, the response form would be entitled ESMA\_TSTR\_ABCD\_RESPONSEFORM.
5. Upload the form containing your responses, in Word format, to ESMA’s website ([www.esma.europa.eu](http://www.esma.europa.eu) under the heading “Your input – Open Consultations” 🡪 “Consultation on MiFIR report on Systematic Internalisers in non-equity instruments”).
6. If you wish to provide comments on the definitions, formats, allowable values or reconciliation tolerances for the specific reporting fields, please use for that purpose the additional response form in excel format.

**Publication of responses**

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publically disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESMA’s rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA’s Board of Appeal and the European Ombudsman.

**Data protection**

Information on data protection can be found at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading [Legal Notice](http://www.esma.europa.eu/legal-notice).

**Who should read this paper**

All interested stakeholders are invited to respond to this consultation paper. In particular, responses are sought from financial and non-financial counterparties of derivatives, central counterparties (CCPs) and trade repositories (TRs), as well as from all the authorities having access to the TR data.

**General information about respondent**

|  |  |
| --- | --- |
| Name of the company / organisation | The Investment Association |
| Activity | Other Financial service providers |
| Are you representing an association? |[x]
| Country/Region | UK |

**Introduction**

***Please make your introductory comments below, if any***

<ESMA\_COMMENT\_TSTR\_1>

The Investment Association is the trade body that represents UK investment managers, whose 240 members collectively manage over £7.7trillion on behalf of clients. Our purpose is to ensure investment managers are in the best possible position to:

• Build people’s resilience to financial adversity

• Help people achieve their financial aspirations

• Enable people to maintain a decent standard of living as they grow older

• Contribute to economic growth through the efficient allocation of capital

The money our members manage is in a wide variety of investment vehicles including authorised investment funds, pension funds and stocks & shares ISAs. The UK is the second largest investment management centre in the world and manages 37% of European assets.

More information can be viewed on our [website](https://www.theia.org/).

Please note that we have also submitted comments on the draft validation rules in separate file named ESMA\_TSTR\_THEIA\_RESPONSEFORM.xlsx

<ESMA\_COMMENT\_TSTR\_1>

**Questions**

1. [: Do you see any other challenges with the information to be provided by NFC- to FC which should be addressed? In particular, do you foresee any challenges related to the FC being aware of the changes in the NFC status?](#_Toc34747676)

<ESMA\_QUESTION\_TSTR\_1>

We see no further specific challenges.

<ESMA\_QUESTION\_TSTR\_1>

1. [: Do you agree with the proposals set out in this section? If not, please clarify your concerns and propose alternative solutions.](#_Toc34747677)

<ESMA\_QUESTION\_TSTR\_2>

We agree with the proposals.

<ESMA\_QUESTION\_TSTR\_2>

1. : [Do you need any further clarifications regarding the scenario in which the FC and NFC- report to two different TRs?](#_Toc34747678)

<ESMA\_QUESTION\_TSTR\_3>

We believe the scenario is sufficiently clear.

<ESMA\_QUESTION\_TSTR\_3>

1. [: Are there any other aspects related to the allocation of responsibility of reporting that should be covered in the technical standards? If so, please clarify which and how they should be addressed.](#_Toc34747679)

<ESMA\_QUESTION\_TSTR\_4>

We believe the aspects covered are sufficient.

<ESMA\_QUESTION\_TSTR\_4>

1. [: Do you see any other challenges with the information by NFC- to FC of their decision to perform the reporting of OTC derivatives which should be addressed?](#_Toc34747680)

<ESMA\_QUESTION\_TSTR\_5>

We do not see any additional challenges.

<ESMA\_QUESTION\_TSTR\_5>

1. [: Do you agree with the proposals set out in this section? If not, please clarify your concerns and propose alternative solutions.](#_Toc34747681)

<ESMA\_QUESTION\_TSTR\_6>

We would suggest that the NFC- and FC should be able to agree bilaterally upon the period of notice to be given by the NFC- to perform the reporting itself or give up that responsibility, subject to a minimum of five business days.

<ESMA\_QUESTION\_TSTR\_6>

1. [: Do you see any issues with the approach outlined above? Do you see any other challenges with the delegation of reporting which should be addressed?](#_Toc34747682)

<ESMA\_QUESTION\_TSTR\_7>

We do not see any issues with the approach suggested in the case of delegated reporting.

<ESMA\_QUESTION\_TSTR\_7>

1. [: Which errors or omissions in reporting should, in your view, be notified to the competent authorities? Do you see any major challenges with such notifications to be provided to the competent authorities? If yes, please clarify your concerns.](#_Toc34747683)

<ESMA\_QUESTION\_TSTR\_8>

We believe reconciliation breaks should not be reportable in themselves and, once these are resolved, a counterparty should be responsible only for notifying their competent authority for errors and omissions in their own reports.

We believe a distinction should be made between minor and/or isolated errors, which firms should be required merely to record, and provide details to the competent authority on request; and more material or systemically significant failures, which should be notified to the authority.

A specific concern, which has to some extent persisted for our members since 2014 is the approach they should take when the responsibility to generate the UTI rest with another party, but is not made available in time for them to report on T+1. At different times authorities have expressed preferences for the firm to report initially with a "dummy" UTI, and then cancel/replace that report in due course when the UTI becomes available; or to wait for the UTI and report late. We would recommend that this eventuality be considered in Article 7 of the RTS. In any event, whether the result is an erroneous or late report by the non-generating party, any requirement to notify the competent authority should rest with the generating party for its failure to satisfy Article 7(3). The consequent error or omission in the other party's reporting should need only to be recordable in their register of breaches.

<ESMA\_QUESTION\_TSTR\_8>

1. [: Do you see any issues with the approach outlined above? Do you see any other challenges with the reconciliation of trades which should be addressed?](#_Toc34747684)

<ESMA\_QUESTION\_TSTR\_9>

We believe the standards should make it clear that such procedures are required only between two counterparties that are subject to the reporting obligation under EMIR.

<ESMA\_QUESTION\_TSTR\_9>

1. [: Do you see any other data quality issues which should be addressed?](#_Toc34747685)

<ESMA\_QUESTION\_TSTR\_10>

We would observe that data quality issues will never be fully overcome because of the inevitable challenges of interpreting rules and guidance consistently however clear they may appear to any reader.

One particular issue we believe needs to be addressed, albeit in the validation rules rather than the legislation, is the understanding of the term "optional". We would suggest to use an alternative term that more clearly indicates that it is in fact mandatory to report where the data item concerned is pertinent to the instrument or transaction.

<ESMA\_QUESTION\_TSTR\_10>

1. [: Do you agree with the proposed technical format, ISO 20022, as the format for reporting? If not, what other reporting format would you propose and what would be the benefits of the alternative approach?](#_Toc34747686)

<ESMA\_QUESTION\_TSTR\_11>

We agree with the proposal to mandate the use of ISO 20022 for reporting.

<ESMA\_QUESTION\_TSTR\_11>

1. [: Do you foresee any difficulties related to reporting using an ISO 20022 technical format that uses XML? If yes, please elaborate.](#_Toc34747687)

<ESMA\_QUESTION\_TSTR\_12>

The implementation of any technical format for reporting will involve challenges, but we support the consistency this will maintain with the other recent mandates in the trade and transaction reporting space (MiFIR Article 26, SFTR Article 4). As we have seen with those, vendor services will be available to counterparties who would prefer to generate their reporting in other formats initially and have them translated to the required ISO 20022 structure.

<ESMA\_QUESTION\_TSTR\_12>

1. [: Do you expect difficulties with the proposed allocation of responsibility for generating the UTI?](#_Toc34747688)

<ESMA\_QUESTION\_TSTR\_13>

We do not agree that the trade repository (TR) should form part of the waterfall, as suggested in Article 7(2)(c)(iii) of the proposed ITS. This would place an unnecessary burden on the TRs to build the required capability and would require further logic, which is not provided, to determine which TR should generate in the event that the counterparties did not. We would therefore recommend that sub-paragraph (2)(c)(iii) be deleted.

<ESMA\_QUESTION\_TSTR\_13>

1. [: Is any further guidance needed with respect to the generation and exchange of the UTI for derivatives reported at position level?](#_Toc34747689)

<ESMA\_QUESTION\_TSTR\_14>

We do not believe any further guidance is necessary with regard to UTIs for position level reports.

<ESMA\_QUESTION\_TSTR\_14>

1. [: Is it clear which entity should generate the UTI for the derivatives that are executed bilaterally and brought under the rules of the market (‘XOFF’)? Are there any other scenarios where it may be unclear whether a derivative is considered to be “centrally executed”? Please list all such specific scenarios and propose relevant clarifications in this respect.](#_Toc34747690)

<ESMA\_QUESTION\_TSTR\_15>

This issue does not appear to be considered in the text of the consultation and we are not aware that this is a common scenario, if it occurs at all. However we believe any action to bring the trade under the rules of a venue subsequent to the initial execution should be ignored for the purposes of determining the responsibility to generate the UTI.

<ESMA\_QUESTION\_TSTR\_15>

1. [: Should the hierarchy on UTI generation responsibility include further rules on how to proceed when the responsibility for generating the UTI is allocated to an entity (e.g. trading venue or a CCP) from a jurisdiction that has not implemented the UTI guidance?](#_Toc34747691)

<ESMA\_QUESTION\_TSTR\_16>

We would suggest to add a new paragraph after Article 7(2) of the ITS stating that where the entity determined to have responsibility for generating the UTI under any part of paragraph 2 is subject to the laws of a jurisdiction that has not implemented the UTI guidance, the determination shall be made according to the next part of paragraph 2.

<ESMA\_QUESTION\_TSTR\_16>

1. [: Should the hierarchy on UTI generation responsibility include more explicit rules for the case of the delegated reporting? If so, propose a draft rule and its placement within the flowchart.](#_Toc34747692)

<ESMA\_QUESTION\_TSTR\_17>

We would suggest to add a new provision before paragraph 2(e)(iii) stating that for derivatives that are not addressed in points (i) and (ii), and where the reporting is delegated to the non-reporting counterparty, that entity should generate the UTI.

<ESMA\_QUESTION\_TSTR\_17>

1. [: Which policy option presented in the flowchart do you prefer? Please elaborate on the reasons why in your reply.](#_Toc34747693)

<ESMA\_QUESTION\_TSTR\_18>

We believe Option 2 offers the simpler implementation, with only one parameter - the nature of the counterparties - needing to be considered. Where both parties are of the same nature and do not have any agreement on UTI generation, the determination would be according to the alphabetical sorting of their LEIs.

<ESMA\_QUESTION\_TSTR\_18>

1. [: Is the additional clarification concerning the sorting of the alphanumerical strings needed? If so, which should method of sorting should be considered?](#_Toc34747694)

<ESMA\_QUESTION\_TSTR\_19>

We believe the sorting of the counterparty LEIs would be an appropriate final tie-breaker to determine the responsibility for UTI generation.

We would support Option 1 (ASCII order) for this purpose.

<ESMA\_QUESTION\_TSTR\_19>

1. [: Are there any other rules that should be added to the hierarchy on UTI generation responsibility? To the extent that such rules are not contradictory to the global UTI guidance, please provide specific proposals and motivate why they would facilitate the generation and/or exchange of the UTIs.](#_Toc34747695)

<ESMA\_QUESTION\_TSTR\_20>

We do not believe further rules are necessary.

<ESMA\_QUESTION\_TSTR\_20>

1. [: Do you support including more specific rules provision on the timing of the UTI generation? If so, do you prefer a fixed deadline or a timeframe depending on the time of conclusion of the derivative? In either case, please specify what would be in your view the optimal deadline/timeframe. Please elaborate on the reasons why in your response.](#_Toc34747696)

<ESMA\_QUESTION\_TSTR\_21>

We believe option 1 offers the more straight forward solution, but would suggest that consideration be given to an earlier deadline of, say, 10.00 in order to allow more time for the consuming counterparty to complete the process on the one hand and minimise the compression of reporting for the TRs on the other.

<ESMA\_QUESTION\_TSTR\_21>

1. [: Do you expect issues around defining when you will need to use a new UTI and when the existing UTI should be used in the report? Are there specific cases that need to be dealt with?](#_Toc34747697)

<ESMA\_QUESTION\_TSTR\_22>

We do not anticipate any issues regarding the need to use a new or the existing UTI.

<ESMA\_QUESTION\_TSTR\_22>

1. [: Do you expect any challenges related to the proposed format and/or structure of the UTI? If yes, please elaborate on what challenges you foresee.](#_Toc34747698)

<ESMA\_QUESTION\_TSTR\_23>

We do not anticipate any issues with the structure of the UTI for new trades. However, we request that the validation rules do not prevent the reporting of lifecycle events on legacy trades with UTIs that may include one of more of the four special characters permitted currently.

<ESMA\_QUESTION\_TSTR\_23>

1. [: Do you have any comments concerning the use of ISINs as product identifiers under EMIR for the derivatives that are admitted to trading or traded on a trading venue or a systematic internaliser?](#_Toc34747699)

<ESMA\_QUESTION\_TSTR\_24>

Given the existence of the UPI for all OTC derivatives, which will provide all the information required at product for the purposes of monitoring risk. We therefore do not believe it should be necessary to report an ISIN for these products, even it exists. Rather we would suggest to require instrument/product/classification information (Fields 2.7-2.9) to be provided as follows:

TOTV/uTOTV ETDs: ISIN + CFI

Other third country ETDs: CFI only

OTC derivatives\*: UPI only

\* *not per the current EMIR definition, which includes ETDs of third venues that are similar to regulated markets but are not subject to an equivalence determination under MiFID (see also our response to Q25*.

<ESMA\_QUESTION\_TSTR\_24>

1. [: Do you have any comments concerning the use of UPIs as product identifiers under EMIR? Should in your view UPI be used to identify all derivatives or only those that are not identified with ISIN under MiFIR? ?](#_Toc34747700)

<ESMA\_QUESTION\_TSTR\_25>

We are aware that the mandate requested of ISO to develop a standard for the UPI does not extend to ETDs. It will there not be possible to require the reporting of a UPI for all derivatives. Moreover, it will not be possible even to require a UPI for all OTC derivatives as defined currently under Article 2(7) of EMIR, as this includes the ETDs of third country venues that are not determined to be equivalent under MiFID.

Per our response to Q24, we believe the UPI should be sufficient on its own for the identification of OTC derivatives, given a narrower definition of "OTC derivative" that does not include third country ETDs.

<ESMA\_QUESTION\_TSTR\_25>

1. [: Do you agree with the assessment of the advantages and disadvantages of the supplementary reporting of some reference data? Are there any other aspects that should be considered?](#_Toc34747701)

<ESMA\_QUESTION\_TSTR\_26>

We agree that reports might still include some elements contained in the UPI reference data might where these would facilitate easier initial validation of "conditional" fields by the TRs.

<ESMA\_QUESTION\_TSTR\_26>

1. [: Some of the instruments’ characteristics that are expected to be captured by the future UPI reference data are already being reported under EMIR, meaning that they have already been implemented in the counterparties’ reporting systems. If this data or its subset were continued to be required in trade reports under EMIR, what would be the cost of compliance with this requirement (low/moderate/high)? Please provide justification for your assessment. Would you have any reservations with regard to reporting of data elements that would be covered by the UPI reference data?](#_Toc34747702)

<ESMA\_QUESTION\_TSTR\_27>

We believe the new technical standards should not be applied until the UPI has been implemented. It would be a mistake to assume that counterparties will not bear unnecessary cost because a number of the elements that might no longer be required are already reported under the current regime. Counterparties would still need to develop new reporting logic to report those elements according to the proposed technical standards, and then revise that logic to exclude those elements in due course. It would be far less costly to undertake only one phase of development to reach the final state.

<ESMA\_QUESTION\_TSTR\_27>

1. [: Do you foresee any issues in relation to inclusion in the new reporting standard that the LEI of the reporting counterparty should be duly renewed and maintained according to the terms of, any of the endorsed LOUs (Local Operating Units) of the Global Legal Entity Identifier System?](#_Toc34747703)

<ESMA\_QUESTION\_TSTR\_28>

We agree that the legislation might include a requirement that the LEI of the reporting counterparty should be duly renewed and maintained and, moreover, that this might be subject to validation as suggested in Field 4 of Table 1 to the ITS.

<ESMA\_QUESTION\_TSTR\_28>

1. [: Do you foresee any challenges related to the availability of LEIs for any of the entities included in the Article 3 of the draft ITS on reporting?](#_Toc34747704)

<ESMA\_QUESTION\_TSTR\_29>

We agree that all parties listed in Article 3(1) of the proposed ITS should be obliged to renew and maintain their LEIs.

However, we do not agree with the current drafting of Table 1 to the ITS, which suggests that submitting entities must ensure that this is the case for many of those parties, over which it has no control. TRs should be asked to validate the LEI status only of the following:

1.2 Report submitting entity

1.3 Entity responsible for reporting

1.4 Counterparty 1

<ESMA\_QUESTION\_TSTR\_29>

1. [: Do you have any comments concerning ESMA approach to inclusion of CDEs into EMIR reporting requirements?](#_Toc34747705)

<ESMA\_QUESTION\_TSTR\_30>

We agree with the proposal to include the CDEs in the future reporting requirements.

<ESMA\_QUESTION\_TSTR\_30>

1. [: Is the list of Action types and Event types complete? Is it clear when each of the categories should be used?](#_Toc34747706)

<ESMA\_QUESTION\_TSTR\_31>

We believe the lists of action and event types per Tables 4 and 5 are sufficient to cover the various potential scenarios.

We are conscious that additional guidelines were needed to explain the use of ETRM and MODI in the event of an early termination of a trade under SFTR, with the proposed approach for EMIR also being different with the addition of the Event Type.

We note that Tables 6 and 7 do not envisage the combination of MODI and ETRM, which might be valid for cases where an early termination is agreed, but for a future date. We should be grateful for confirmation as to whether this is an oversight or if this should be reported simply as a modification of the terms of the contract (MODI+TRDE; whereas ETRM+ETRM would be the approach if the termination were effective immediately.

<ESMA\_QUESTION\_TSTR\_31>

1. [: Is it clear what is the impact of the specific Action Types on the status of the trade, i.e. when the trade is considered outstanding or non-outstanding?](#_Toc34747707)

<ESMA\_QUESTION\_TSTR\_32>

We believe this is sufficiently clear.

<ESMA\_QUESTION\_TSTR\_32>

1. [: Is it clear what are the possible sequences of Action Types based on the Figure 1?](#_Toc34747708)

<ESMA\_QUESTION\_TSTR\_33>

We believe this is sufficiently clear.

<ESMA\_QUESTION\_TSTR\_33>

1. [: Are the possible combinations of Action type and Event type determined correctly? Is their applicability at trade and/or position level determined correctly?](#_Toc34747709)

<ESMA\_QUESTION\_TSTR\_34>

As noted in our response to Q31, we would welcome confirmation as to whether MODI+ETRM should be considered a valid combination for the case where an early termination is agreed, but for a future date.

We see no issues specific to their applicability at trade and/or position level.

<ESMA\_QUESTION\_TSTR\_34>

1. [: Is the approach to reporting Compression sufficiently clear? If not, please explain what should be further clarified or propose alternatives.](#_Toc34747710)

<ESMA\_QUESTION\_TSTR\_35>

We believe this is sufficiently clear.

<ESMA\_QUESTION\_TSTR\_35>

1. [: Do you agree with the proposal to include two separate action types for the provision of information related to the valuation of the contract and one related to margins?](#_Toc34747711)

<ESMA\_QUESTION\_TSTR\_36>

We would note that the COLU Action Type serves no purpose in Table 2, as the updates are provided by way of Table 3, which clearly would be a standalone report. We therefore believe that COLU should be removed as an Action Type

~~As NFC- and variation margin is linked to the valuation of the contract, we believe it the valuation data (Table 2, Fields 17-20) should also be moved to Table 3.~~

<ESMA\_QUESTION\_TSTR\_36>

1. [: Do you agree with the proposal to include the Action Type “Revive”? Are there any further instances where this Action Type could be used? Are there any potential difficulties in relation to this approach?](#_Toc34747712)

<ESMA\_QUESTION\_TSTR\_37>

We agree with the proposed Action Type "Revive" and its use as suggested.

We would suggest, however, that consideration should be given to imposing a time limit of, say, 30 days, in which it might be used following the error or termination report.

<ESMA\_QUESTION\_TSTR\_37>

1. [: Is the approach to reporting at position level sufficiently clear? If not, please explain what should be further clarified?](#_Toc34747713)

<ESMA\_QUESTION\_TSTR\_38>

We believe this is sufficiently clear.

<ESMA\_QUESTION\_TSTR\_38>

1. [: Are all reportable details (as set out in the Annex to the draft RTS on details of the reports to be reported to TRs under EMIR (Annex IV)) available for reporting at position level? If not, please clarify which data elements and why.](#_Toc34747714)

<ESMA\_QUESTION\_TSTR\_39>

We believe the required details are available.

<ESMA\_QUESTION\_TSTR\_39>

1. [: Are there any products other than derivatives concluded on a venue and CfDs that may need to be reported at position level?](#_Toc34747715)

<ESMA\_QUESTION\_TSTR\_40>

We understand that the products for which position-level reporting is appropriate are those where contracts that may be entered into at different. This would include CfDs are suggested, as well as ETDs created by regulated venues and similar third country venues that may or may not be determined as equivalent under MiFIR.

<ESMA\_QUESTION\_TSTR\_40>

1. [: Do you have any general comments regarding the proposed representation of the reporting requirements in the table of fields? Please use the separate excel table to provide comments on the specific fields in the table.](#_Toc34747716)

<ESMA\_QUESTION\_TSTR\_41>

We believe it would be helpful to indicate explicitly in Article 4 of the RTS that Table 3 (margin data) is to be used for reporting of collateral for both centrally cleared and non-cleared contracts - this is in contrast with SFTR, where the corresponding Table 3 is only for reporting margin on centrally cleared contracts.

It is not entirely clear in the absence of either validation table or XML definition of the reports, whether Fields 9 (collateral portfolio code) and 10 (UTI) will be a mandatory choice or if, as is the case today, the same portfolio-level collateral data should be reported for each UTI separately. We assume from paragraph 185 of the consultation, however, that counterparties should populate either Field 9, where transactions are collateralised on a portfolio basis; or Field 10, where the collateral pertains to an individual derivative or position.

We also note numerous inconsistencies among the cross-references from the text of the RTS and ITS to the tables of reporting fields, and also within those tables, which we assume ESMA itself identify and correct in the course of finalising the text of its proposals to the European Commission.

<ESMA\_QUESTION\_TSTR\_41>

1. [: Is the proposed definition adequate? Can you think of any cases where further clarification would be needed or further problems might be expected? What would you expect to be reported as effective date when the trade is not confirmed?](#_Toc34747717)

<ESMA\_QUESTION\_TSTR\_42>

We believe the definition is adequate, but wonder if the repetition of the term "unadjusted" across this and other fields (admittedly taken from the CDE) is necessary.

<ESMA\_QUESTION\_TSTR\_42>

1. [: Is the proposed definition adequate? Can you think of any cases where further clarification would be needed, or further problems might be expected? What would you expect to be reported as maturity date when the trade is not confirmed?](#_Toc34747718)

<ESMA\_QUESTION\_TSTR\_43>

We believe the definition is adequate.

In the event that the trade is not confirmed or the confirmation has not yet been received, we would still expect the parties to understand the terms of the contract into which they have entered, including the expiry date.

<ESMA\_QUESTION\_TSTR\_43>

1. [: Do you agree with the proposed definition? Are there any other aspects that should be covered in the technical standards?](#_Toc34747719)

<ESMA\_QUESTION\_TSTR\_44>

We believe the definition is adequate.

<ESMA\_QUESTION\_TSTR\_44>

1. [: Do you agree with the proposed definition? Are there any other aspects that should be covered in the technical standards?](#_Toc34747720)

<ESMA\_QUESTION\_TSTR\_45>

We believe the definition is adequate.

<ESMA\_QUESTION\_TSTR\_45>

1. [: Do you foresee any difficulties with the reporting of Event date? Please flag these difficulties if you see them.](#_Toc34747721)

<ESMA\_QUESTION\_TSTR\_46>

We do not foresee any difficulties in populating this field.

<ESMA\_QUESTION\_TSTR\_46>

1. [: In relation to the format of the “client code”, do you foresee any difficulties with reporting using the structure and format of the code as recommended in the CDE guidance? If you do, please specify the challenges.](#_Toc34747722)

<ESMA\_QUESTION\_TSTR\_47>

We do not foresee any difficulties if the structure recommended for the CDE were adopted.

<ESMA\_QUESTION\_TSTR\_47>

1. [: Alternatively, would you prefer to replace the internal client codes with national identification number as defined in MIFIR transaction reporting? Please specify the advantages and disadvantages of both alternatives.](#_Toc34747723)

<ESMA\_QUESTION\_TSTR\_48>

We believe the approach recommended for the CDE is appropriate in the context of EMIR reporting, especially given that the data might be shared among regulators across jurisdictions and the potential data projection considerations if personal data were included per the MiFIR approach. In addition, as such codes would be used only where the client were not an entity that qualified for an LEI, the reporting would be one-sided, so there would be no benefit from a data aggregation perspective.

<ESMA\_QUESTION\_TSTR\_48>

1. [: Do you agree on the proposal to include this process in the draft RTS on procedures for ensuring data quality?](#_Toc34747724)

<ESMA\_QUESTION\_TSTR\_49>

We agree with the proposal.

<ESMA\_QUESTION\_TSTR\_49>

1. [: Do you agree that one month is the good timespan between the notification by the counterparty to the TR the corporate restructuring event and the actual update of the LEI by the TR?](#_Toc34747725)

<ESMA\_QUESTION\_TSTR\_50>

We agree with the timespan as proposed.

<ESMA\_QUESTION\_TSTR\_50>

1. [: Do you agree on the fact that transactions that have already been terminated at the date when the TR is updating the LEIs should be included in the process?](#_Toc34747726)

<ESMA\_QUESTION\_TSTR\_51>

We agree that the update should be applied to all transactions that were outstanding at the time of the event that caused the LEI to change.

<ESMA\_QUESTION\_TSTR\_51>

1. : [In the case of transactions where an impacted entity is identified in any role other than the reporting counterparty (e.g. Counterparty 2, Broker etc), when the TRs should inform the reporting counterparties of the change in the identifier of that entity?](#_Toc34747727)

<ESMA\_QUESTION\_TSTR\_52>

We would suggest that reporting counterparties (or submitting entities, if different) whose reports are impacted by changes to the LEI of other entities should be advised by their TR within 5 business days of the TR being made aware of the change.

<ESMA\_QUESTION\_TSTR\_52>

1. [: Which entity should identify all transactions that should be amended due to a partial modification of the identifier of an entity?](#_Toc34747728)

<ESMA\_QUESTION\_TSTR\_53>

When a reporting counterparty (or submitting entity) is advised by the TR of changes to another entity's LEI, it should have an opportunity to confirm whether all or a sub-set of its reports are impacted. We would suggest that counterparties be given a period of 5 business days in which to do this.

<ESMA\_QUESTION\_TSTR\_53>

1. [: In cases where the counterparty is not responsible and legally liable for reporting transactions, which entity should be in charge of notifying the TR and what should be the related requirements between the counterparty itself and the entity who is responsible and legally liable for the reporting?](#_Toc34747729)

<ESMA\_QUESTION\_TSTR\_54>

We recommend option 2, whereby the party that is not responsible for reporting (ie. NFC-) is required to advise the counterparty that is responsible, who then would communicate with the TR.

<ESMA\_QUESTION\_TSTR\_54>

1. [: Do you see any other challenges related to LEI updates due to mergers and acquisitions, other corporate restructuring events or where the identifier of the counterparty has to be updated from BIC (or other code) to LEI because the entity has obtained the LEI?](#_Toc34747730)

<ESMA\_QUESTION\_TSTR\_55>

We do not see any other challenges in this respect.

<ESMA\_QUESTION\_TSTR\_55>

1. [: In relation to the field “Beneficiary ID”, do you have any concerns regarding the elimination of this field? Based on your reporting experience, which trading scenario may be missed if this field is eliminated, with exception of the cases explained in Q&A General Question 1 (c)?](#_Toc34747731)

<ESMA\_QUESTION\_TSTR\_56>

The IA is aware of only one isolated case and a specific set of circumstances in which a member firm identifies itself as the counterparty and its client as the beneficiary. The case concerns ETDs, where the clearing member will not enter into a relationship with certain of the firm's clients, so the firm itself steps into the contract on their behalf.

Given that the exposure rests in the first instance with the firm, we do not believe there is significant value in identifying the beneficiary for the purposes of monitoring systemic risk. We therefore do not have any concerns with the potential removal of this field.

<ESMA\_QUESTION\_TSTR\_56>

1. [: In relation to the field “Trading capacity”, do you have any concerns regarding the elimination of this field? Based on your reporting experience, which trading scenario may be missed if this field is eliminated?](#_Toc34747732)

<ESMA\_QUESTION\_TSTR\_57>

Even in the case described in our response to Q56, we believe the firm would enter into the cleared contract as principal. We therefore do not have any concerns with the potential removal of this field.

<ESMA\_QUESTION\_TSTR\_57>

1. [: In relation to the “Direction of trade”, do you foresee any difficulties with the adoption of CDE guidance approach? Please provide a justification for your response.](#_Toc34747733)

<ESMA\_QUESTION\_TSTR\_58>

We would support adoption of the CDE hybrid approach.

<ESMA\_QUESTION\_TSTR\_58>

1. [: Are there any products for which the direction of the trade cannot be determined according to the rules proposed in the draft technical standards (based on the CDE guidance)? If so, please specify the products and propose what rules should be applied.](#_Toc34747734)

<ESMA\_QUESTION\_TSTR\_59>

We believe further guidance is necessary to ensure consistency in the determination of which leg is which, particularly in the case of interest rate and FX products. We would note the [EMIR Regulatory Reporting Industry Best Practices](https://www.isda.org/a/5OoTE/EMIR-reporting_Industry-Best-Practices-matrix_March-2020.xlsx) published earlier this year jointly by a number of trade associations provides guidance on the alignment of leg 1 and leg 2 for interest rate products and would recommend that this be applied here.

For FX, we would recommend including guidance to apply the so-called "FX cash rule", which would also then influence other fields such as notional amount and settlement currency, such that leg 1 would be the currency with the ISO 4217 code that is sorted first alphabetically.

<ESMA\_QUESTION\_TSTR\_59>

1. [: Do you foresee any difficulties with reporting in case the value “Intent to clear” is not included in the list of allowable values for Field « Cleared » ? Please motivate your answer.](#_Toc34747735)

<ESMA\_QUESTION\_TSTR\_60>

We do not have any concerns with the proposal to allow this value.

<ESMA\_QUESTION\_TSTR\_60>

1. [: Do you have any other comments concerning the fields related to clearing?](#_Toc34747736)

<ESMA\_QUESTION\_TSTR\_61>

We believe strongly that Article 2(2) of the RTS should be extended such that the need to report the trade only in its cleared state is applied to all trades that are centrally cleared on trade date, not just on-venue.

The current provision creates a false distinction between, in the context of clearing, between OTC derivatives that are concluded on a trading venue or organised trading platform in a third country and those that are not. The key delineation should be simply between transactions that that are cleared on trade date and those that are not, regardless of how they were executed.

<ESMA\_QUESTION\_TSTR\_61>

1. [: The timely confirmation requirement applies only to non-cleared OTC contracts. However, under the rules in force, the confirmation timestamp and confirmation means are reported also for ETD derivatives by some counterparties, leading to problems with reconciliation of the reports. ESMA proposes to clarify that the abovementioned fields should be reported only for OTC non-cleared derivatives. Do you agree with the proposed approach for clarifying the population of the fields “Confirmation timestamp” and “Confirmation means”? Please motivate your response.](#_Toc34747737)

<ESMA\_QUESTION\_TSTR\_62>

We agree with the proposed approach.

<ESMA\_QUESTION\_TSTR\_62>

1. [: Do you have any comments concerning the fields related to settlement?](#_Toc34747738)

<ESMA\_QUESTION\_TSTR\_63>

We recommend that the approach suggested in paragraph 244 of the consultation to always report the onshore currency regardless of any offshore variant should be enshrined in the ITS table.

<ESMA\_QUESTION\_TSTR\_63>

1. [: Do you have any comments concerning the proposed way of reporting of the trading venue?](#_Toc34747739)

<ESMA\_QUESTION\_TSTR\_64>

We support adoption of the MiFIR approach.

<ESMA\_QUESTION\_TSTR\_64>

1. : [Do you foresee any difficulties related to the proposal for reporting the data elements related to the regular payments?](#_Toc34747740)

<ESMA\_QUESTION\_TSTR\_65>

We do not foresee any difficulties with the proposed approach.

<ESMA\_QUESTION\_TSTR\_65>

1. [: Do you agree to leave the valuation fields unchanged? If not, what changes do you propose?](#_Toc34747741)

<ESMA\_QUESTION\_TSTR\_66>

We agree that the fields should remain unchanged.

<ESMA\_QUESTION\_TSTR\_66>

1. [: Do you agree that the contract value is most relevant for authorities when reported as the IFRS 13 Fair Value without applying valuation adjustments?](#_Toc34747742)

<ESMA\_QUESTION\_TSTR\_67>

We agree that the fair value should be reported per IFRS 13 without the application of any adjustments.

<ESMA\_QUESTION\_TSTR\_67>

1. [: Do you anticipate practical issues with reporting IFRS 13 Fair Value without applying valuation adjustments? If so, what measures can be taken to address these or what alternative solutions can be considered (that would ensure consistent reporting of valuation by the counterparties)?](#_Toc34747743)

<ESMA\_QUESTION\_TSTR\_68>

We do not anticipate any issues with the proposal.

<ESMA\_QUESTION\_TSTR\_68>

1. [: Is more guidance needed for the determination of the “valuation type”, e.g. similar to the guidance provided in the CDE guidance on page 41-42?](#_Toc34747744)

<ESMA\_QUESTION\_TSTR\_69>

We would recommend to address any further guidance in this respect through "Level 3" Q&A or guidelines.

<ESMA\_QUESTION\_TSTR\_69>

1. [: Do you agree that the fields IM/VM Posted/Received fields are provided in with both a pre- and post-haircut value?](#_Toc34747745)

<ESMA\_QUESTION\_TSTR\_70>

We agree with the proposed approach.

<ESMA\_QUESTION\_TSTR\_70>

1. [: Do you agree to change the format of the collateralisation field to one that is compatible with single sided reporting?](#_Toc34747746)

<ESMA\_QUESTION\_TSTR\_71>

We agree with the proposed change.

<ESMA\_QUESTION\_TSTR\_71>

1. [: Do you agree that the fields “Counterparty rating trigger indicator” and “Counterparty rating threshold indicator” are added?](#_Toc34747747)

<ESMA\_QUESTION\_TSTR\_72>

We agree with the addition of these fields.

<ESMA\_QUESTION\_TSTR\_72>

1. [: Do you agree that a single A rating is the most relevant trigger for the “Counterparty rating threshold indicator” field?](#_Toc34747748)

<ESMA\_QUESTION\_TSTR\_73>

We agree with ESMA's assessment in this respect.

<ESMA\_QUESTION\_TSTR\_73>

1. [: Is it possible to separate the value of a collateral portfolio exclusively for derivatives?](#_Toc34747749)

<ESMA\_QUESTION\_TSTR\_74>

We believe such separation is possible, bearing in mind that is it will be necessary to do something similar with SFTs for the purposes of reporting under Article 4 of SFTR.

<ESMA\_QUESTION\_TSTR\_74>

1. [: Are there any limitations with regard to ESMA’s proposed adjustments to these EMIR reporting fields? If so please specify what the limitations are and how they could be overcome?](#_Toc34747750)

<ESMA\_QUESTION\_TSTR\_75>

We do not foresee any difficulties with the proposed changes. <ESMA\_QUESTION\_TSTR\_75>

1. [: Do you think that there are other additional fields which would be necessary to fully understand the price of a derivative?](#_Toc34747751)

<ESMA\_QUESTION\_TSTR\_76>

We believe the fields as currently proposed should be sufficient.

<ESMA\_QUESTION\_TSTR\_76>

1. [: Are there any further pieces of clarification in relation to these fields (beyond the information in the definitions in the annex) which could be added to the amended standards to ensure reporting is done in a consistent manner? If so, please expand on how ESMA can ensure the standards are clear to reporting entities and reduce ambiguity with regard to what should be reported for different fields.](#_Toc34747752)

<ESMA\_QUESTION\_TSTR\_77>

We believe that either further guidance is necessary in the case of currency exchange rates, as the unit and quote currencies may not always be captured consistently by the counterparties.

We believe it would be appropriate to report the rate as quoted by the venue or, for transaction executed bilaterally by the provider of the liquidity.

<ESMA\_QUESTION\_TSTR\_77>

1. [: Do you agree with the clarification in relation to the approach to populating fields which require reference to a fixed rate? If you believe that an alternative approach would be more effective and ensure a consistent approach is followed by reporting counterparties, please explain that approach.](#_Toc34747753)

<ESMA\_QUESTION\_TSTR\_78>

We agree with clarification as proposed.

<ESMA\_QUESTION\_TSTR\_78>

1. [: Should there be any further guidance provided in relation to the population of the ‘notional’ field on top of the content of the CDE guidance? What should this guidance say? Do you foresee any difficulties with reporting of notional in line with the CDE guidance?](#_Toc34747754)

<ESMA\_QUESTION\_TSTR\_79>

We do not believe any further guidance is required.

<ESMA\_QUESTION\_TSTR\_79>

1. [: Is the guidance provided in ESMA Q&A TR 41 clear? Should any further guidance be provided in addition to ESMA Q&A TR 41?](#_Toc34747755)

<ESMA\_QUESTION\_TSTR\_80>

We believe the current guidance in Q&A TR 41 is sufficiently clear.

<ESMA\_QUESTION\_TSTR\_80>

1. [: Do you foresee any challenges with the interpretation of the EMIR data should the fields “Quantity” and “Price multiplier” be removed? In case these fields are maintained, should there be further clarity as to what should be reported therein? What should this guidance say? Should this guidance be per asset class? Should this guidance distinguish between OTC and ETD derivatives?](#_Toc34747756)

<ESMA\_QUESTION\_TSTR\_81>

We would support the removal of these fields and a focus on the national amount, which is the key data requirement for the purposes of risk oversight.

<ESMA\_QUESTION\_TSTR\_81>

1. [: Do you foresee any challenges with reporting of the Total notional quantity?](#_Toc34747757)

<ESMA\_QUESTION\_TSTR\_82>

We would ESMA to confirm our assumption that this field would link directly to fields 2.13/2.14 and that it would be repetitive where the underlying were a custom basket. That being the case, it is not clear in the case where 2.14 would list only TOTV instruments, how this would correspond with the notional amount.

<ESMA\_QUESTION\_TSTR\_82>

1. [: Which of the two described approaches to reporting the notional amount schedules is preferable? Please motivate your view.](#_Toc34747758)

<ESMA\_QUESTION\_TSTR\_83>

We would recommend the second option, whereby counterparties would report modifications each time the notional changed according to the schedule. We believe this would make the logic to capture and report the data much simpler for counterparties.

<ESMA\_QUESTION\_TSTR\_83>

1. [: Do you foresee challenges in relation to the proposed approach for reporting of Delta? Are there any challenges regarding the reporting of Delta every time there is a valuation update?](#_Toc34747759)

<ESMA\_QUESTION\_TSTR\_84>

We do not see any specific challenges with the proposal.

<ESMA\_QUESTION\_TSTR\_84>

1. [: Do you agree with the proposal for reporting of attachment and detachment point?](#_Toc34747760)

<ESMA\_QUESTION\_TSTR\_85>

We agree with the proposal.

<ESMA\_QUESTION\_TSTR\_85>

1. [: Do you consider that the fields Attachment point and Detachment point serve to report additional data or are applicable to other products than those foreseen in the CDE guidance?](#_Toc34747761)

<ESMA\_QUESTION\_TSTR\_86>

We believe these fields are applicable only I the case of CDS products.

<ESMA\_QUESTION\_TSTR\_86>

1. [: Do respondents believe that any of these new fields would be problematic to report? If so, please explain why.](#_Toc34747762)

<ESMA\_QUESTION\_TSTR\_87>

We do not see any specific difficulties with the proposal. <ESMA\_QUESTION\_TSTR\_87>

1. [: Do you foresee any difficulties related to reporting of the additional fields for package transactions? Please motivate your reply.](#_Toc34747763)

<ESMA\_QUESTION\_TSTR\_88>

We welcome the proposal to replace the Complex Trade Component ID with the "package" concept, but believe ESMA should go further and clearly detach the concept from the one defined in MiFID, which was devised for use in the context of the transparency regime. In contrast, EMIR is aimed at providing regulators with a picture of counterparty exposures and risks in the financial system, for which the concept was devised in the CDE. A key difference between the MiFID and CDE definitions of package is that in the case of MiFID, ESMA expects all of the components to be instruments that are TOTV (see [ESMA70-872942901-35](https://www.esma.europa.eu/sites/default/files/library/esma70-872942901-35_qas_transparency_issues.pdf#page=33), Section 3, Q&A 4(h)), whereas the [CDE definition](https://www.iosco.org/library/pubdocs/pdf/IOSCOPD598.pdf#page=107) states clearly that packages may include both reportable and non-reportable transactions.

We believe it would be sensible and appropriate to adopt the CDE definition for the purposes of reporting under EMIR and to note specifically that this differs from MiFID.

<ESMA\_QUESTION\_TSTR\_88>

1. [: Do you foresee any difficulties related to the reporting of prior UTI? Please motivate your reply.](#_Toc34747764)

<ESMA\_QUESTION\_TSTR\_89>

We do not see any specific difficulties with the proposal. <ESMA\_QUESTION\_TSTR\_89>

1. [: Do you foresee any difficulties related to the reporting of PTRR ID? Please motivate your reply. Are you aware of alternative solutions that would enable regulators to link derivatives entering into and resulting from the same post-trade risk reduction event? Please provide details of such solutions.](#_Toc34747765)

<ESMA\_QUESTION\_TSTR\_90>

We do not see any specific difficulties with the proposal. <ESMA\_QUESTION\_TSTR\_90>

1. [: Do you foresee any difficulties related to the generation and reporting of the PTRR ID for cleared derivatives? Please motivate your reply.](#_Toc34747766)

<ESMA\_QUESTION\_TSTR\_91>

We do not see any specific difficulties with the proposal. <ESMA\_QUESTION\_TSTR\_91>

1. [: Do you see a need for further adjustment of the reporting requirements to allow for effective reporting of PTRR events, in addition to the ones proposed in the section 4.4.11.3?](#_Toc34747767)

<ESMA\_QUESTION\_TSTR\_92>

We do not see any need for further changes.

 <ESMA\_QUESTION\_TSTR\_92>

1. [: Do you foresee any difficulties related to the reporting of position UTI in the reports pertaining to the derivatives included in a position? Please motivate your reply.](#_Toc34747768)

<ESMA\_QUESTION\_TSTR\_93>

We do not see any specific difficulties with the proposal. <ESMA\_QUESTION\_TSTR\_93>

1. [: Do you foresee any difficulties related to the reporting of any of the additional data elements related to custom baskets? Please motivate your reply.](#_Toc34747769)

<ESMA\_QUESTION\_TSTR\_94>

We note that paragraph 326 in the consultation indicates that ESMA plans to adopt CDE, but the field tables in the proposed RTS/ITS appear to be inconsistent with that, as follows:

CDE RTS/ITS

Basket code not present

Constituent identifier 2.14

Identifier source not present, although 2.14 must be an ISIN

Constituent unit of measure not present

Constituent quantity 2.55, but see our response to Q82

<ESMA\_QUESTION\_TSTR\_94>

1. [: With regard to reporting of delivery interval times, which alternative do you prefer: (A) reporting in UTC time or (B) reporting in local time? Please provide arguments.](#_Toc34747770)

<ESMA\_QUESTION\_TSTR\_95>

The affected products typically are not traded by IA members, so we have insufficient information to comment.

<ESMA\_QUESTION\_TSTR\_95>

1. [: Are you currently reporting derivatives on crypto-assets under EMIR? If so, please describe how they are reported. In particular, please clarify how do you identify and classify these derivatives in the reports under EMIR?](#_Toc34747771)

<ESMA\_QUESTION\_TSTR\_96>

We have insufficient information from IA members to comment.

<ESMA\_QUESTION\_TSTR\_96>

1. [: Would you see the need to add further reporting details or amend the ones envisaged in the table of fields (see Annex V) in order to enable more accurate, comprehensive and efficient reporting of derivatives on crypto-assets?](#_Toc34747772)

<ESMA\_QUESTION\_TSTR\_97>

We have insufficient information from IA members to comment.

<ESMA\_QUESTION\_TSTR\_97>

1. [: Do you support the proposal that reports pertaining to the derivatives outstanding on the reporting start date should be updated in order to ensure consistent level of quality of data and limit the operational challenges?](#_Toc34747773)

<ESMA\_QUESTION\_TSTR\_98>

Although it will be significant challenge for firms to update all outstanding trades to the latest standards, we understand and accept the rationale for doing so.

<ESMA\_QUESTION\_TSTR\_98>

1. [: Do you foresee challenges with the update of reports pertaining to outstanding derivatives in line with the revised requirements? If so, please describe these challenges. In particular, if they relate to some of the newly added or amended reporting fields, please mention these fields.](#_Toc34747774)

<ESMA\_QUESTION\_TSTR\_99>

We believe the two most significant challenges will be the volume of open trades that need to be re-reported, and the inevitable reconciliation breaks this will cause.

We recommend that an additional Action Type be included specifically for this purpose, for example "UPDT" in order to clearly distinguish these reports from new transactions or modifications of the contract terms. This might be combined with the Event Type "TRDE".

This combination would not be required in practice beyond the transitional period, but could also be valuable should there be any need for substantive change to the reporting standards in the future.

<ESMA\_QUESTION\_TSTR\_99>

1. [: Do you think that additional time after the reporting start date should be granted for the counterparties to update the reports pertaining to the outstanding derivatives? If so, how much additional timeline would be required?](#_Toc34747775)

<ESMA\_QUESTION\_TSTR\_100>

We would recommend a period of six months for counterparties to update the reports for legacy open trades following the reporting start date. Details of trades or positions that were subject to lifecycle events during that time would be updated though the modification report pertaining to the event.

<ESMA\_QUESTION\_TSTR\_100>

1. [: Do you agree with the proposed timelines for implementation, i.e. 18 months from the entry into force of the technical standards?](#_Toc34747776)

<ESMA\_QUESTION\_TSTR\_101>

We would urge that the timeline be determined ultimately by the critical need for the final ISO 20022 messages and validation rules to be are available sufficiently in advance of the application date for counterparties and trade repositories to undertake the necessary development and testing.

We would also ask that ESMA ensures that the UPI will have been established as an ISO standard and implemented by the ANNA DSB in order that counterparties are not required to build solutions to deliver data that would not be required once the UPI becomes available.

<ESMA\_QUESTION\_TSTR\_101>

1. [: Do you agree with the proposed framework for verification of data submission? Please detail the reasons for your response.](#_Toc34747777)

<ESMA\_QUESTION\_TSTR\_102>

We agree with the proposals.

<ESMA\_QUESTION\_TSTR\_102>

1. [: Are there any additional aspects that would need to be clarified or specified with regards to the verification of logical integrity of submissions with different Action types such as “Revive”? Please detail the reasons for your response.](#_Toc34747778)

<ESMA\_QUESTION\_TSTR\_103>

As noted in our response to Q37, we would suggest the imposition of a time limit of 30 days in which a report can be revived following the error or termination report.

<ESMA\_QUESTION\_TSTR\_103>

1. [: Do you consider that the proposed procedure will allow the TRs to verify the compliance by the reporting counterparty or the submitting entity with the reporting requirements, and the completeness and correctness of the data reported under Article 9 EMIR? If not, what other aspects should be taken into account? Please detail the reasons for your response.](#_Toc34747779)

<ESMA\_QUESTION\_TSTR\_104>

We believe the proposed procedures will be sufficient.

<ESMA\_QUESTION\_TSTR\_104>

1. [: Are there any additional aspects that would need to be clarified or specified with regards to the updates to the LEI that are to be performed by the TRs? Please detail the reasons for your response.](#_Toc34747780)

<ESMA\_QUESTION\_TSTR\_105>

We believe the proposed procedures will be sufficient.

<ESMA\_QUESTION\_TSTR\_105>

1. [: Are there any other aspects that should be considered with regards to the scope and start of the reconciliation process? Please detail the reasons for your response.](#_Toc34747781)

<ESMA\_QUESTION\_TSTR\_106>

We believe the proposed procedures are appropriate.

<ESMA\_QUESTION\_TSTR\_106>

1. [: Are there any aspects related to the intra-TR reconciliation that need to be clarified? Please detail the reasons for your response.](#_Toc34747782)

<ESMA\_QUESTION\_TSTR\_107>

We believe the proposed procedures are sufficiently clear.

<ESMA\_QUESTION\_TSTR\_107>

1. [: What additional aspects with regards to inter-TR reconciliation will need to be considered? Should additional fields be considered for pairing? Please detail the reasons for your response.](#_Toc34747783)

<ESMA\_QUESTION\_TSTR\_108>

We believe the proposed procedures will be sufficient.

We believe that pairing should continue to depend only on the LEIs of the reporting counterparties and the UTI.

<ESMA\_QUESTION\_TSTR\_108>

1. [: What other aspects should be considered to ensure the integrity of the number and values of the reconciled derivatives? Please detail the reasons for your response.](#_Toc34747784)

<ESMA\_QUESTION\_TSTR\_109>

We believe the proposed procedures will be sufficient.

<ESMA\_QUESTION\_TSTR\_109>

1. [: What other aspects should be considered to reduce data transformation and format issues in the inter-TR reconciliation process? Please detail the reasons for your response.](#_Toc34747785)

<ESMA\_QUESTION\_TSTR\_110>

We believe the ISO 20022 message validation should be sufficient) for this purpose.

<ESMA\_QUESTION\_TSTR\_110>

1. [: What other aspects should be taken into account with regards to the timeline for completion of the inter-TR reconciliation process? Please detail the reasons for your response.](#_Toc34747786)

<ESMA\_QUESTION\_TSTR\_111>

We believe the proposed procedures will be sufficient.

<ESMA\_QUESTION\_TSTR\_111>

1. [: Do you agree with the proposed approach to establish tolerances for certain fields? Please detail the reasons for your response.](#_Toc34747787)

<ESMA\_QUESTION\_TSTR\_112>

We agree that the tolerances will assist with data quality.

<ESMA\_QUESTION\_TSTR\_112>

1. [: Do you agree with the proposed set of fields? Please detail the reasons for your response.](#_Toc34747788)

<ESMA\_QUESTION\_TSTR\_113>

We understand that the motivation to improve data quality, but would ask that the reconciliation process be limited to fields that are core to the economics of the trade and the exposures they establish between the counterparties.

<ESMA\_QUESTION\_TSTR\_113>

1. [: Do you foresee any problem in the reconciliation of field “Valuation amount”? How should the valuation amount be reconciled in the case of derivatives which are valued in different currency by the counterparties, such as currency derivatives? Please detail the reasons for your response.](#_Toc34747789)

<ESMA\_QUESTION\_TSTR\_114>

We are particularly concerned by the level of 0.0005% proposed for the valuation amount, which is essentially no tolerance at all. Different counterparties may value contracts differently with good reason and this needs to be reflected in the tolerance.

We would recommend that the tolerance level be sufficient to allow reasonably for the outcomes of different valuation models and the application of market data exchange rates by the TR. In addition, we would propose that valuation differences outside the tolerance be reported to counterparties as alerts rather than outright reconciliation breaks, which they are able to confirm without further action if they are satisfied they are reasonable.

<ESMA\_QUESTION\_TSTR\_114>

1. [: Do you agree with excluding the newly added fields from the first stage of the inter-TR reconciliation process? Please detail the reasons for your response.](#_Toc34747790)

<ESMA\_QUESTION\_TSTR\_115>

We agree that certain fields should be excluded from the formal reconciliation process initially, but it may be helpful for these to be identified separately in advance of commencement of the second wave to provide an opportunity for the counterparties to identify where their data capture and reporting logic might need to be adjusted.

<ESMA\_QUESTION\_TSTR\_115>

1. [: Do you consider that any additional requirement in relation with the policies and procedures referred to in Article 78(9) EMIR needs to be added to ensure better performance of the data transfer by TRs? Please detail the reasons for your response.](#_Toc34747791)

<ESMA\_QUESTION\_TSTR\_116>

We believe the current provisions are sufficient.

<ESMA\_QUESTION\_TSTR\_116>

1. [: Do you agree with the proposed framework for rejection responses? Please detail the reasons for your response.](#_Toc34747792)

<ESMA\_QUESTION\_TSTR\_117>

We agree with the proposed framework.

<ESMA\_QUESTION\_TSTR\_117>

1. [: Do you agree with the proposed framework for reconciliation responses? Please detail the reasons for your response.](#_Toc34747793)

<ESMA\_QUESTION\_TSTR\_118>

We agree with the proposed framework.

<ESMA\_QUESTION\_TSTR\_118>

1. [: Do you agree with the suggested reconciliation categories? Please detail the reasons for your response.](#_Toc34747794)

<ESMA\_QUESTION\_TSTR\_119>

We agree with the proposed categories.

<ESMA\_QUESTION\_TSTR\_119>

1. [: Are there any relevant aspects related to the application of action type “Revive” that should be considered for the purposes of carrying out the reconciliation process?](#_Toc34747795)

<ESMA\_QUESTION\_TSTR\_120>

We believe the current provisions are sufficient.

<ESMA\_QUESTION\_TSTR\_120>

1. [: Are there any aspects that need to be further specified regarding the end-of-day reports to be provided to reporting counterparties, the entities responsible for reporting and, where relevant, the report submitting entities? Is there any additional information that should be provided to these entities to facilitate their processing of data and improve quality of data? Please detail the reasons for your response.](#_Toc34747796)

<ESMA\_QUESTION\_TSTR\_121>

We would suggest that the RTS include specific provisions regarding the obligations of counterparties to engage with each other to resolve reconciliation breaks without undue delay.

<ESMA\_QUESTION\_TSTR\_121>

1. [: Especially regarding the abnormal values, please indicate which of the two approaches you prefer and which other aspect should be taken into account. Please detail the reason for your response.](#_Toc34747797)

<ESMA\_QUESTION\_TSTR\_122>

Any alerts to abnormal values should be actionable by the counterparty, but merely prompt them to consider whether the data has been reported correctly.

We do not support a TR-specific approach that might result in different thresholds being determined by each TR. We therefore support option a., which might be determined by ESMA the light of information provided by the TRs. <ESMA\_QUESTION\_TSTR\_122>

1. [: Do you believe that there are any other aspects that need to be aligned between the current RTS on registration under SFTR and the ones under EMIR? Please detail the reasons for your response.](#_Toc34747798)

<ESMA\_QUESTION\_TSTR\_123>

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<ESMA\_QUESTION\_TSTR\_123>

1. [: Do you agree with the above proposals for provision of information in the case of extension of registration? Please elaborate on the reasons for your response.](#_Toc34747799)

<ESMA\_QUESTION\_TSTR\_124>

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<ESMA\_QUESTION\_TSTR\_124>

1. [: Do you believe that there are any other aspects that need to be covered by the draft ITS on registration under EMIR? Please detail the reasons for your response.](#_Toc34747800)

<ESMA\_QUESTION\_TSTR\_125>

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<ESMA\_QUESTION\_TSTR\_125>

1. [: Do you agree with the proposed amendments to the data access requirements with respect to the terms and conditions of data access?](#_Toc34747801)

<ESMA\_QUESTION\_TSTR\_126>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_TSTR\_126>

1. [: What other aspects need to be clarified with regards to the definition of elements for the establishment of direct and immediate access to data?](#_Toc34747802)

<ESMA\_QUESTION\_TSTR\_127>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_TSTR\_127>